

## FORTY SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Thursday, February 23, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Nina Horn and Mr. Owen Oniskey, presented the Colors. Miss Tessa Wiley led the Chamber in the Pledge of Allegiance. The prayer was offered by Imam Mohamad Joban of Muslim Association of Puget Sound Church, Redmond.

The President of the Senate, Lieutenant Governor Habib, assumed the chair.

## MOTION

On motion of Senator , the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 21, 2017

SB 5065 Prime Sponsor, Senator Miloscia: Concerning government performance and accountability. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5065 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5065 Prime Sponsor, Senator Miloscia: Concerning government performance and accountability. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5065 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority

Member, Operating Budget; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5247 Prime Sponsor, Senator Zeiger: Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5247 Prime Sponsor, Senator Zeiger: Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5289 Prime Sponsor, Senator Rivers: Modifying the infraction of and penalties for distracted driving. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; O'Ban; Saldaña; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hawkins; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen and Fortunato.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5289 Prime Sponsor, Senator Rivers: Modifying the infraction of and penalties for distracted driving. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; O'Ban; Saldaña; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hawkins; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen and Fortunato.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5343 Prime Sponsor, Senator Warnick: Concerning notice sent by and certain release of information affecting registered tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5343 Prime Sponsor, Senator Warnick: Concerning notice sent by and certain release of information affecting registered tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5345 Prime Sponsor, Senator Walsh: Creating Imagine special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill

No. 5345 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5345 Prime Sponsor, Senator Walsh: Creating Imagine special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5392 Prime Sponsor, Senator Rolfes: Concerning ferry advisory committees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5392 Prime Sponsor, Senator Rolfes: Concerning ferry advisory committees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5403 Prime Sponsor, Senator O'Ban: Concerning ferry district authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair;

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

Hobbs, Ranking Minority Member; Lias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5403 Prime Sponsor, Senator O'Ban: Concerning ferry district authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5465 Prime Sponsor, Senator Miloscia: Creating an office of the corrections ombuds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5465 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5465 Prime Sponsor, Senator Miloscia: Creating an office of the corrections ombuds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5465 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5533 Prime Sponsor, Senator Rossi: Prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill

No. 5533 as recommended by Committee on Commerce, Labor & Sports be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5533 Prime Sponsor, Senator Rossi: Prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5533 as recommended by Committee on Commerce, Labor & Sports be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5536 Prime Sponsor, Senator Fortunato: Providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Lias and Cleveland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5536 Prime Sponsor, Senator Fortunato: Providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias and Cleveland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5545 Prime Sponsor, Senator Wilson: Requiring public employee collective bargaining sessions to be open meetings. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Darneille; Fain; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5545 Prime Sponsor, Senator Wilson: Requiring public employee collective bargaining sessions to be open meetings. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Darneille; Fain; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5550 Prime Sponsor, Senator Rossi: Authorizing state agencies and institutions of higher education to contract for services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget;

Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia and Pedersen.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5550 Prime Sponsor, Senator Rossi: Authorizing state agencies and institutions of higher education to contract for services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia and Pedersen.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5558 Prime Sponsor, Senator Darneille: Issuing a two-year idencard for offenders released from prison facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5558 be substituted therefor, and the second substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Ways & Means.

February 21, 2017

SB 5558 Prime Sponsor, Senator Darneille: Issuing a two-year idencard for offenders released from prison facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5558 be substituted therefor, and the second substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Ways & Means.

February 21, 2017

SB 5577 Prime Sponsor, Senator Conway: Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5577 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille;

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Saldaña and Van De Wege.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 21, 2017

February 21, 2017

SB 5577 Prime Sponsor, Senator Conway: Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults. Reported by Committee on Ways & Means

SB 5741 Prime Sponsor, Senator King: Clarifying the collection of fuel taxes within tribal jurisdictions. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5577 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Baumgartner; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Saldaña and Van De Wege.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 21, 2017

February 21, 2017

SB 5620 Prime Sponsor, Senator King: Concerning transportation network companies. Reported by Committee on Transportation

SB 5785 Prime Sponsor, Senator Fain: Modifying eligibility criteria for transportation benefit districts to establish a vehicle fee rebate program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Saldaña and Van De Wege.

February 21, 2017

February 21, 2017

SB 5620 Prime Sponsor, Senator King: Concerning transportation network companies. Reported by Committee on Transportation

SB 5785 Prime Sponsor, Senator Fain: Modifying eligibility criteria for transportation benefit districts to establish a vehicle fee rebate program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Saldaña and Van De Wege.

February 21, 2017

February 21, 2017

SB 5741 Prime Sponsor, Senator King: Clarifying the collection of fuel taxes within tribal jurisdictions. Reported by Committee on Transportation

SB 5806 Prime Sponsor, Senator Cleveland: Concerning preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Baumgartner; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5806 Prime Sponsor, Senator Cleveland: Concerning preliminary work to develop a process for planning for a new

Interstate 5 bridge spanning the Columbia river. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5807 Prime Sponsor, Senator King: Clarifying vehicle registration for vehicles that are not owned or leased by the governing body of an Indian tribe. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Baumgartner; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Saldaña; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5807 Prime Sponsor, Senator King: Clarifying vehicle registration for vehicles that are not owned or leased by the governing body of an Indian tribe. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Baumgartner; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Saldaña; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5827 Prime Sponsor, Senator Braun: Concerning definitions and reporting requirements for municipalities receiving lodging tax revenues. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle and Padden.

Passed to Committee on Rules for second reading.

February 21, 2017

SB 5827 Prime Sponsor, Senator Braun: Concerning definitions and reporting requirements for municipalities receiving lodging tax revenues. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle and Padden.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

#### MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 22, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1194,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843,

SUBSTITUTE HOUSE BILL NO. 2106,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5851 by Senators Rossi, Becker, O'Ban, Bailey and Fortunato

AN ACT Relating to the valuation of motor vehicles for purposes of certain motor vehicle excise taxes; amending RCW 81.104.160 and 82.44.035; and creating a new section.

Referred to Committee on Transportation.

SB 5852 by Senators Frockt, Nelson, Carlyle, Hasegawa, Palumbo, Keiser, Kuderer, Billig, Wellman, Chase and Pedersen

AN ACT Relating to preventing the organized militia of this state from being used to enforce federal immigration laws; adding a new section to chapter 43.06 RCW; creating a new section; and declaring an emergency.

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

Referred to Committee on Law & Justice.

SJR 8208 by Senators Fain, Braun, Rivers, Brown, Zeiger, Becker, Wilson, Angel, Bailey, Miloscia, Ericksen, Warnick, Schoesler, Honeyford, Walsh, King, Padden, Sheldon, O'Ban, Rossi, Baumgartner, Short and Fortunato

Requiring the legislature to enact a four-year balanced budget.

Referred to Committee on Ways & Means.

ESHB 1194 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hayes, Pettigrew, Smith, Springer, Kretz, Schmick, Santos, Short, Haler, Lovick, Riccelli, Blake, Senn, Jinkins, Gregerson, Muri, Frame, Wylie, Kilduff, McBride, Bergquist, Fey, Stambaugh, Ormsby, Farrell and Pollet)

AN ACT Relating to creating a legislative page scholarship program; reenacting and amending RCW 43.79A.040; adding new sections to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

ESHB 1843 by House Committee on Appropriations (originally sponsored by Representatives Sullivan, Lytton, Jinkins, Orwall, Appleton, Springer, Chapman, Tarleton, Tharinger, Goodman, Farrell, Macri, Ormsby, Fitzgibbon, Slatter, Hudgins, Doglio, Fey, Pollet, Ortiz-Self, Santos and McBride)

AN ACT Relating to fulfilling the state's paramount duty for all children through equitable and responsible investments in the state's basic education program and reductions to local effort contributions; amending RCW 28A.150.200, 28A.150.410, 28A.400.205, 28A.400.200, 28A.500.020, and 28A.150.260; reenacting and amending RCW 84.52.0531, 28A.500.030, and 28A.150.260; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 28A.415 RCW; creating new sections; recodifying RCW 28A.300.600, 28A.300.602, and 28A.300.604; repealing RCW 28A.400.201, 28A.415.020, 28A.415.023, 28A.415.024, and 28A.415.025; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 2106 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Koster, Hudgins, Taylor and Shea)

AN ACT Relating to election year restrictions on state legislators; amending RCW 42.52.180 and 42.52.185; creating a new section; and declaring an emergency.

Placed on Second Reading Calendar.

#### MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House

Bill No. 2106 which was placed on the second reading calendar under suspension of the rules.

#### MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

#### MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

#### MOTION

Senator Pedersen moved adoption of the following resolution:

#### SENATE RESOLUTION 8617

By Senators Pedersen, Frockt, Liias, Carlyle, and Walsh

WHEREAS, William L. Downing has retired following 28 years of distinguished service as a judge on the King County Superior Court bench; and

WHEREAS, Before embarking on a career in law, Judge Downing graduated from Vassar College, worked in a psychiatric hospital as a conscientious objector during the Vietnam War, and made a living working on fishing boats in Bellingham, Washington; and

WHEREAS, While at Vassar, Judge Downing met his wife, Laura; after graduating, the two moved to Seattle where they raised their son and have lived ever since; and

WHEREAS, Following graduation from the University of Washington School of Law, Judge Downing served as a King County prosecutor for 11 years, during which time he successfully argued a case to convict the perpetrators of the 1983 Wah Mee massacre; and

WHEREAS, Judge Downing was appointed to the bench in 1989, and has presided over several prominent civil and criminal cases during his tenure; and

WHEREAS, Over the course of his career, Judge Downing has cultivated a reputation among colleagues for fairness, honesty, rigor, and impartiality; and

WHEREAS, In addition to his outstanding reputation as a legal professional, Judge Downing will leave a legacy of mentorship and was known for his service of assisting students arguing mock cases before fellow judges and attorneys;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize King County Superior Court Judge William L. Downing for his outstanding career in public service of the law, during which he acted with empathy, integrity, and wit for the benefit of the citizens of King County and Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to William L. Downing and his family.

Senators Pedersen, Liias and Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

The motion by Senator Pedersen carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Judge William Downing and his family who were seated in the gallery.

#### MOTION

Senator Hawkins moved adoption of the following resolution:

#### SENATE RESOLUTION 8622

By Senator Hawkins

WHEREAS, The Washington State Senate recognizes the impactful life of Wilfred R. Woods; and

WHEREAS, Wilfred R. Woods, affectionately known by his nickname "Wilf," dedicated his life to serving north central Washington and the state of Washington; and

WHEREAS, Through his noble profession, Wilfred played a part in nearly every major development in north central Washington; and

WHEREAS, Wilfred actively promoted public power, outdoor recreation, and the region's abundant natural resources; and

WHEREAS, Wilfred served on the board of the American Forestry Association, State Parks and Recreation Commission, and Washington State Historical Society, and served as a trustee for Central Washington University; and

WHEREAS, Wilfred was deeply committed to supporting musicians and artist education through the Woods Family Music and Arts Fund; and

WHEREAS, Wilfred played a fundamental role in developing the Wenatchee Performing Arts Center, the Icicle Creek Center for the Arts, the Wenatchee Valley College Music and Art Center, and The Grove Recital Hall; and

WHEREAS, Wilfred was awarded Washington's highest civilian honor, the Medal of Merit; and

WHEREAS, Wilfred and his wife, Kathy, received the Legacy Award from the Wenatchee Valley Chamber of Commerce; and

WHEREAS, The impact of Wilfred R. Woods is immeasurable, and will live on through the good people of north central Washington; and

WHEREAS, Wilfred inspired his community and led through his actions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join the citizens of the state of Washington in commending the life of Wilfred R. Woods; and

BE IT FURTHER RESOLVED, That the Washington State Senate convey its deepest condolences to the family, friends, colleagues, and community of Wilfred R. Woods and join the people of the state of Washington in celebrating his memory and commending his achievement and contributions to his community; and

BE IT FURTHER RESOLVED, That the Washington State Senate express profound appreciation and enduring gratitude to the life and legacy of Wilfred R. Woods; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Wilfred R. Woods.

Senators Hawkins and Carlyle spoke in favor of adoption of

the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

The motion by Senator Hawkins carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Rufus Woods, son of Wilfred Woods and current publisher of the Wenatchee World, who was seated at the press desk.

#### MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5488, by Senators Zeiger, Rolfes, Chase and Saldaña

Changing the annual reporting date for the transitional bilingual instruction program.

The measure was read the second time.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5488.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Zeiger: "Thank you Mr. President. It is the custom of the Senate for new members to give gifts and I am presenting to my colleagues three gifts today. First of all, Fisher scone mix, as is appropriate, we have the Puyallup Fair in my district and then we have Puyallup Valley Jam Factory jams, raspberry jams to go with that scone mix. And we have Puyallup River Brewing Company beer. Enjoy."

#### REMARKS BY THE PRESIDENT



FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

President Habib: “Senator Zeiger, the President was hoping for Earthquake Burgers for everybody here in the Senate. You know that’s my soft spot.”

## PERSONAL PRIVILEGE

Senator Fain: “Thank you Mr. President. I was really excited when I saw the Fisher bags, thinking I was going to be able to dig into some scones this morning. Unfortunately, they are coming to us, not made, which is frustrating but even with the fact that I will have to go home and slave in the kitchen to make these new ones it still pales in comparison to the amount of work that the previous Chair of the Education Committee thrust upon me on a regular basis. So I am very appreciative of the new chair and I welcome him to the Senate and I believe this Chamber is very lucky to have him.”

EDITOR’S NOTE: Senator Steve Litzow formerly Chaired the Committee on Early Learning & K-12 Education

## REMARKS BY THE PRESIDENT

President Habib: “Senator Fain, are you saying that everything that comes to the Senate floor is not fully baked?”

## PERSONAL PRIVILEGE

Senator Billig: “Thank you Mr. President. I am also rising to welcome our new member. I was actually not aware of the tradition of drinking beer and eating scones together, so I appreciate him introducing that combination. I will try it. I am a little skeptical. But seriously, I want to welcome Senator Zeiger. He and I came in as freshmen in the House together six year ago and I have enjoyed working with him since then and I will particularly enjoy working with him this year in his capacity as Chair of the Early Learning & K-12 Education Committee. A very thoughtful legislator and I welcome him and look forward to serving with you. Thank you.”

## PERSONAL PRIVILEGE

Senator Becker: “Thank you Mr. President. Well I would sincerely like to welcome Senator Hans Zeiger to our chamber. I think that he is a welcome addition he is an amazing man and author and he has done a lot of things. And a new father, it is a pretty neat thing. But I am most excited, and I keep talking about, that we now have another bottle of beer. And that bottle of beer, I am asking again Mr. President, if we can put it in our really cool cup? Makes it sound like I drink a lot, but I don’t. But it is fun to talk about it because of the fact that we have now received what four types of booze. So thank you Senator Zeiger.”

## PERSONAL PRIVILEGE

Senator Pedersen: “Thank you Mr. President. It is also my honor to welcome Senator Zeiger. It is great to have multiple people in the chamber from the great city of Puyallup. And I just wanted to note that Senator Zeiger’s roots in Puyallup are even deeper than mine. My dad was welcomed to Puyallup sixty-five years ago or so by Senator Zeiger’s grandpa who was regularly part of their pick-up basketball game. Thank you. Welcome.”

## PERSONAL PRIVILEGE

Senator Bailey: “This is why I forget to say that. I don’t rise very often on certain things, but this is something I really felt very strong about. First of all, I am so excited to have a new member and Senator Zeiger I think will increase the IQ here in the Senate tremendously and I want to welcome him here but having said that I am a bit concerned with the fact that we have now received five bottles of beer and absolutely no one has presented us with an opener for that beer. So I would really request that Senator Zeiger would consider his gift bag, that he must put something in to open this so we can put it in our cup next time. Thank you.”

## PERSONAL PRIVILEGE

Senator Ranker: “Thank you Mr. President. So I’m going to tell a little story. Some of you know former Senator Erik Poulson. So when I first came into the Senate, he had just left. So I went out to dinner with him and a few other people and he was talking about and he would say Hans Zeiger and I would be like OK whatever, and he kept saying it. He kept saying Hans Zeiger, Hans Zeiger and it was this joke and I didn’t know that he was a real person because there are so many people in the other chamber, you can’t keep track of it. Anyway, I was at the time the chair of Natural Resources and I don’t know if you remember this but you had a small little bill coming through the committee Senator, and he comes up and says I am Representative Hans Zeiger from such and such a district and in mid sentence I just said ‘oh my God, you’re real’ and so I am pleased that this figment of my imagination is now in the Senate. I have very much enjoyed working with you these past weeks and I look forward to the future of you in this body.”

## PERSONAL PRIVILEGE

Senator Fortunato: “I would like to ask the body since we have now received four or five bottles of beer and wine that when I have a particular bill that might come up that might address the legal ramifications that you would vote for my beer bill so that we don’t all have to go to jail. So, thank you.”

## PERSONAL PRIVILEGE

Senator Hunt: “I would also like to welcome my former housemate Senator Zeiger here. And something you may not know about him is that Senator Zeiger and I have been working with the National Institute for Civil Discourse and last year he was awarded the first annual Gabby Giffords Award for civility in government which I was humbly glad to share with him, but we have been working, we have both been sent to Minnesota in snow storms to try to train the Minnesota Legislature. So welcome and I just wanted to make sure that we all know how civil he is.”

## PERSONAL PRIVILEGE

Senator Mullet: “Thank you Mr. President. I have an open ended question that Senator Zeiger can answer off line because I was so surprised that his first bill on education was a bill that completely sucks up to OSPI by making their Christmas easier and I know that he did not get that advice from Senator Litzow, so I am curious who gave him that suggestion?”

## PERSONAL PRIVILEGE

Senator Conway: “It is a great honor to welcome Hans here, and I just want to point out he has one big duty he will be performing for us, its coming up. It is when the Daffodil

Princesses come to visit us. So we are looking forward to seeing you welcome all those lovely ladies when they come here.”

#### REMARKS BY THE PRESIDENT

President Habib: “Senator Zeiger, it is a pleasure to have Senator Zeiger with us in the Senate. He is obviously well respected on both sides of the aisle. Will the Senate please join me in thanking him for these fantastic gifts, encouraging him to bring Earthquake Burgers next time. Welcome to the state Senate.”

#### SECOND READING

SENATE BILL NO. 5764, by Senators Wellman, Hasegawa and Rolfes

Concerning higher education records.

#### MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 5764 was substituted for Senate Bill No. 5764 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5764 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5764.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5764 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Wellman: “Thank you Mr. President. Well, in keeping with the Senate tradition which now seems to me to be a lifelong tradition, I know this is a very strong tradition, I rise to thank my new colleagues for the warm welcome I have received in the Washington State Senate. And I bring you gifts from the 41<sup>st</sup> District. Now the 41<sup>st</sup> District is largely residential, so it was a little bit of an effort. I did go first to the Seahawks which have their training grounds in the 41<sup>st</sup>, but the NFL refused to cooperate. So, you are going to receive a bag from BECU with some tchotchkes inside. Now for those of you who do not know the word ‘tchotchkes’ it is the technical term for those things you

get at trade shows and I hope to add to your vocabulary. This is from BECU, that is the Boeing Employees Credit Union, and BECU is quite an institution in our region. They have been amazing supporters of many social and arts programs. They are always showing up so I thought that they should show up on the Senate floor, but I get the tradition so in the honor of the tradition of the Senate you are receiving a stainless steel growler from the Resonate Brewery in Newcastle. Now this is a relatively new start up so I am pleased to introduce you to them. Also in that bag you will find a \$10 gift certificate to fill up your growler at the Resonate Brewery and visit the 41<sup>st</sup> District. So, I hope you will enjoy that. That seemed to be a good thing. But, again in the tradition, I had to deliver, in case you might not go to the 41<sup>st</sup> for a while, I thought it only fair to deliver something else to you from Sammamish which is also part of the 41<sup>st</sup> and it is the award winning honey pale ale from the Big Block Brewery, and this was just established in 2012 and they won a gold award for their beer in 2013. So, I know that it is good and I can honestly say to my colleague from the 10<sup>th</sup> District, this is in a can with a self tab opening, so it is immediately available to you. You are quite welcome. Please enjoy. It is an honor to serve with you. Thank you so much.”

#### PERSONAL PRIVILEGE

Senator King: “I do want to welcome the good Senator and I do understand her concern about us getting to the 41<sup>st</sup> and I do understand that there are some access problems on Mercer Island and I-90, and we will leave it at that. I am looking forward to getting to know you and looking forward to working with you and welcome.”

#### PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. Senator Wellman’s description of tchotchkes reminds me of a dear friend of mine from college who throughout our college experience told me stories periodically about living with a Jewish mother and I felt like those stories were exaggerated perhaps. But in the last two weeks or three weeks I’ve discovered that in fact those stories were if anything an understatement of what life is like with a Jewish mother. I do want to say though, that as a mother, anyone who puts a grocery list in a bag full of beer is doing a good job. So, welcome to the Senate to Senator Wellman and we look forward to serving with her.”

#### PERSONAL PRIVILEGE

Senator Darneille: “Well, Mr. President, I have to finally admit defeat here. We have someone by the name of Well-man who has given us alcohol, and so I wanted to take this moment for a little instruction to the body that for the last four years I have served as the leader of a posse of anti-alcohol proliferation related bills. And my posse included several people who are now no longer in the Legislature. We have Senator Zeiger only because Senator Dammeier retired. We have Senator Van De Wege only because Senator Hargrove is not here. But, I am a girl who has lost most of her posse. My spurs are now completely off, I am retiring them. Don’t look to me to lead the charge anymore. For the rest of you posse, we had so much alcohol brought on to this floor that I give up. Thank you Senator Wellman.”

#### PERSONAL PRIVILEGE

Senator Becker: “Thank you Mr. President. I want to give you a warm welcome and say I am glad you are here, kind of,

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

mostly, but you are a pleasure, I love seeing your smile, but I really want to thank you.”

President Habib: “Senator, please feel free to address the presiding officer.”

Senator Becker: “Thank you Mr. President, I will, but you didn’t give us this gift. I’ve talked about all of the beer and I understand that probably with this great big can of beer of Big Block, I’ve never seen a beer can this big, but now with an almost growler-sized thermos, can we now use the thermos and the cup? And maybe we’ll be on the floor trying to vote, because I don’t know how we can do this. I thank you very much and welcome you.”

PERSONAL PRIVILEGE

Senator Ranker: “Joanie loves tchotchke!”

REMARKS BY THE PRESIDENT

President Habib: “That was more of a point of personal humor, I think. Senator Wellman it is a pleasure to have you here and my former seatmate Ross Hunter brought a heavy dose of east coast sensibility and urgency to the Legislature, so it is always good to have someone with an east coast flavor and it keeps us on our toes, it keeps us apace. Will the Senate please join me in thanking Senator Wellman for her very fine gifts and welcoming her to the state Senate?”

SECOND READING

SENATE BILL NO. 5177, by Senators Bailey, Keiser, Palumbo and Conway

Requiring long-term care workers to be trained to recognize hearing loss.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5177.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5177, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5037, by Senators Padden, Frockt, O’Ban, Darneille, Miloscia, Kuderer, Zeiger, Carlyle, Pearson, Conway, Rolfes, Palumbo, Angel and Wellman

Making a fourth driving under the influence offense a felony.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Pedersen, Baumgartner and Kuderer spoke in favor of passage of the bill.

MOTION

On motion of Senator Liias, Senators Hasegawa, Hobbs, McCoy, Nelson, Palumbo, Saldaña and Wellman were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5037.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Miloscia, Mullet, O’Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Hasegawa, Hobbs, McCoy, Nelson, Palumbo, Rolfes, Saldaña and Wellman

SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5552, by Senators Pedersen, Zeiger, Frockt, Takko, O’Ban, Fain and Hobbs

Concerning firearms sales and transfers.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5552 was substituted for Senate Bill No. 5552 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no.

10 by Senators Padden and Pedersen be adopted:

On page 8, line 35, after "A" insert "sale or"  
 On page 8, line 35, after "the" insert "purchaser or"  
 On page 8, line 36, after "being" insert "sold or"

Senators Padden and Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 10 by Senators Padden and Pedersen on page 8, line 35 to Substitute Senate Bill No. 5552.

The motion by Senator Padden carried and floor amendment no. 10 was adopted by voice vote.

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5552.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5301, by Senators Miloscia, Hunt, Hasegawa, Chase and Conway

Including repeat and willful violations of certain state laws to the state's responsible bidder criteria. Revised for 1st Substitute: Including willful violations of certain state laws to the state's responsible bidder criteria.

#### MOTIONS

On motion of Senator Miloscia, Substitute Senate Bill No. 5301 was substituted for Senate Bill No. 5301 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Miloscia, the rules were suspended, Substitute Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the

final passage of Substitute Senate Bill No. 5301.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Rossi and Short

SUBSTITUTE SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5125, by Senators Braun, Conway, Rossi and Wilson

Defining independent contractor relationships in the context of real estate licensing.

The measure was read the second time.

#### MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5125.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5436, by Senators Becker, Cleveland, Frockt and Keiser

Expanding patient access to health services through

FORTY SIXTH DAY, FEBRUARY 23, 2017

telemedicine by further defining where a patient may receive the service.

The measure was read the second time.

#### MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5436.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5436 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5268, by Senators Takko, Chase, Warnick, Schoesler, King, Sheldon, Saldaña, Cleveland, Pearson, Honeyford, Hawkins, Wilson, Becker and Hasegawa

Concerning notice to the licensee before a concealed pistol license expires.

The measure was read the second time.

#### MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5268.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias,

2017 REGULAR SESSION

McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5106, by Senator O'Ban

Clarifying obligations under the involuntary treatment act.

#### MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5106 was substituted for Senate Bill No. 5106 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator O'Ban moved that the following floor striking amendment no. 9 by Senators O'Ban and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

#### **"Part One – Joel's Law Amendments**

**Sec. 1.** RCW 71.05.201 and 2016 c 107 s 1 are each amended to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated mental health professional investigation or the request for a designated mental health professional investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator must request a new designated mental health professional investigation.

(3)(a) The petition must be filed in the county in which the designated mental health professional investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated mental health professional.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the

court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated mental health professional's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

((7)) (8) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency((, which shall execute the order without delay)) and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated mental health professional. The designated mental health agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated mental health professional. An order for initial detention under this section expires one hundred eighty days from issuance.

((8)) (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

((9)) (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 2.** RCW 71.05.201 and 2016 sp.s. c 29 s 222 and 2016 c 107 s 1 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator must request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated ((mental health professional)) crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a

sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

((7)) (8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency((, which shall execute the order without delay)) and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

((8)) (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

((9)) (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 3.** RCW 71.05.203 and 2015 c 258 s 3 are each amended to read as follows:

(1) The department and each ((regional support network)) behavioral health organization or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated mental health professional decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated mental health professional has not taken action to have the person detained, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

(3) A designated mental health professional or designated mental health professional agency must, upon request, disclose the date of a designated mental health professional investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

**Sec. 4.** RCW 71.05.203 and 2016 sp.s. c 29 s 223 are each amended to read as follows:

(1) The department and each behavioral health organization or agency employing designated crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated crisis responder or designated crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated crisis responder has not taken action to have the person detained, the designated crisis responder or designated crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

(3) A designated crisis responder or designated crisis responder agency must, upon request, disclose the date of a designated crisis responder investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

**NEW SECTION. Sec. 5.** By December 15, 2017, the administrative office of the courts, in collaboration with stakeholders, including but not limited to judges, prosecutors, defense attorneys, the department of social and health services, behavioral health advocates, and families, shall: (1) Develop a user's guide to assist pro se litigants in the preparation and filing of a Joel's law petition; and (2) develop a model order of detention under RCW 71.05.201 which contains an advisement of rights for the detained person.

**NEW SECTION. Sec. 6.** Sections 1 and 3 of this act expire April 1, 2018.

**NEW SECTION. Sec. 7.** Sections 2 and 4 of this act take effect April 1, 2018.

**Part Two – Less Restrictive Alternative Revocations**

**Sec. 8.** RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or

provide services under a less restrictive alternative order or conditional release order, or a designated mental health professional, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((if)). The agency, facility, or designated mental health professional ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated mental health professional, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or evaluation and treatment facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated mental health professional or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated mental health professional when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated mental health professional or the secretary

may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this section to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment, or initiate proceedings under this subsection (4) without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated mental health professional or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated mental health professional or secretary shall ((notify the court that originally ordered commitment within two judicial days of a person's detention and)) file a revocation petition and order of apprehension and detention with the court ((and)) of the county where the person is currently located or being detained. The designated mental health professional shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ((regarding a petition for modification or revocation must be in)) is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court of revocation, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated mental health professional, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 9.** RCW 71.05.590 and 2016 sp.s. c 29 s 242 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((if)). The agency, facility,

or designated crisis responder ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency



FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ((notify the court that originally ordered commitment within two judicial days of a person's detention and)) file a revocation petition and order of apprehension and detention with the court ((and)) of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ((regarding a petition for modification or revocation must be in)) is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court of revocation, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court

must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 10.** RCW 71.05.590 and 2016 sp.s. c 29 s 243 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((if)). The agency, facility, or designated crisis responder ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ((notify the court that originally ordered commitment within two judicial days of a person's detention and)) file a revocation petition and order of apprehension and detention with the court ((and)) of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ((regarding a petition for modification or revocation must be in)) is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court of revocation, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this

section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

### **Part Three – Initial Detention Investigations**

**Sec. 11.** RCW 71.05.154 and 2013 c 334 s 1 are each amended to read as follows:

((A)) (1) If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated mental health professional conducting ((an)) the evaluation ((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated mental health professional)) shall take serious consideration of observations and opinions by an examining emergency room physician(s), advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated mental health professional must document ((the)) his or her consultation with ((an examining emergency room physician)) this professional, ((including)) if the professional is available, or his or her review of the ((physician's)) professional's written observations or opinions regarding whether detention of the person is appropriate.

(2) This section does not create an exception to the general rule under RCW 71.05.010, which creates a presumption that courts should decide petitions under this chapter on their merits in light of the state's parens patriae or police power interest in protecting the safety of individuals and the public.

**Sec. 12.** RCW 71.05.154 and 2016 sp.s. c 29 s 214 are each amended to read as follows:

((A)) (1) If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated crisis responder conducting ((an)) the evaluation ((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated crisis responder)) shall take serious consideration of observations and opinions by an examining emergency room physician(s), advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated crisis responder must document ((the)) his or her consultation with ((an examining emergency room physician)) this professional, ((including)) if the professional is available, or his or her review of the ((physician's)) professional's written observations or opinions regarding whether detention of the person is appropriate.

(2) This section does not create an exception to the general rule under RCW 71.05.010, which creates a presumption that courts should decide petitions under this chapter on their merits in light of the state's parens patriae or police power interest in protecting the safety of individuals and the public.

### **Part Four – Evaluation and Petition by Chemical Dependency Professionals**

**Sec. 13.** RCW 70.96A.140 and 2016 sp.s. c 29 s 102 are each amended to read as follows:

(1)(a) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of ((chemical dependency)) a substance use disorder, the designated chemical dependency specialist, after investigation and evaluation of the

specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020.

(b) If placement in a ((chemical dependency)) substance use disorder treatment program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or ((chemical dependency)) substance use disorder treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person ((is chemically dependent)) has a substance use disorder and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment.

(c) If involuntary detention is sought, the petition must state facts that support a finding of the grounds identified in (b) of this subsection and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition must state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state facts that support a finding of the grounds for commitment identified in (b) of this subsection and set forth the proposed less restrictive alternative.

(d)(i) The petition must be signed by:

(A) ((Two physicians;)) One physician, physician assistant, or advanced registered nurse practitioner; and

(B) ((One physician and a mental health professional;

(C) One physician assistant and a mental health professional; or

(D) One psychiatric advanced registered nurse practitioner and a mental health professional.

(ii) The persons signing the petition must have examined the person)) One physician, physician assistant, advanced registered nurse practitioner, or chemical dependency professional.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition((: PROVIDED, HOWEVER, That)). The ((above specified)) seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays((: PROVIDED FURTHER, That,)). The court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the

hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served ((by the designated chemical dependency specialist)) on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony including, if possible, the testimony, which may be telephonic, of at least one licensed physician, ((psychiatric)) advanced registered nurse practitioner, physician assistant, or ((mental health)) chemical dependency professional who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person ((is chemically dependent)) has a substance use disorder shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, ((psychiatric)) advanced registered nurse practitioner, physician assistant, or ((mental health)) chemical dependency professional, he or she shall be given an opportunity to be examined by a court appointed licensed physician, ((psychiatric)) advanced registered nurse practitioner, physician assistant, or other professional person qualified to provide such services. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4)(a) If, after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by a preponderance of the evidence and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of the person or others, it shall make an order of commitment to an approved substance use disorder treatment program. It shall not order commitment of a person unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(b) If the court finds that the grounds for commitment have been established by a preponderance of the evidence, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment. The less restrictive order may impose treatment conditions and other

conditions that are in the best interest of the respondent and others. A copy of the less restrictive order must be given to the respondent, the designated chemical dependency specialist, and any program designated to provide less restrictive treatment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. The court may not order commitment of a person to a less restrictive course of treatment unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed to inpatient treatment under this section shall remain in the program for treatment for a period of fourteen days unless sooner discharged. A person committed to a less restrictive course of treatment under this section shall remain in the program of treatment for a period of ninety days unless sooner discharged. At the end of the fourteen-day period, or ninety-day period in the case of a less restrictive alternative to inpatient treatment, he or she shall be discharged automatically unless the program or the designated chemical dependency specialist, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days of inpatient treatment or ninety days of less restrictive alternative treatment unless sooner discharged. The petition for ninety-day inpatient or less restrictive alternative treatment must be filed with the clerk of the court at least three days before expiration of the fourteen-day period of intensive treatment.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she ((is chemically dependent)) has a substance use disorder and is likely to inflict physical harm on another, the program or designated chemical dependency specialist shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed( (: PROVIDED, That,)). The court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsections (3) and (4) of this section, except that the burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence.

(7) The approved substance use disorder treatment program shall provide for adequate and appropriate treatment of a person committed to its custody on an inpatient or outpatient basis. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by

order of the court if either of the following conditions are met:

(a) In case of a ((chemically dependent)) person with a substance use disorder committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a ((chemically dependent)) person with a substance use disorder committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician, ((psychiatric)) advanced registered nurse practitioner, physician assistant, or other professional person of his or her choice who is qualified to provide such services. If the person is unable to obtain a qualified person and requests an examination, the court shall employ a licensed physician, ((psychiatric)) advanced registered nurse practitioner, physician assistant, or other professional person to conduct an examination and testify on behalf of the person.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary inpatient treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings.

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions. The grounds and procedures for revocation of less restrictive alternative treatment ordered by the court must be the same as those set forth in this section for less restrictive care arranged by an approved substance use disorder treatment program as a condition for early release.

**Sec. 14.** RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a

facility providing involuntary care and treatment;

(12) "Department" means the department of social and health services;

(13) "Designated crisis responder" means a mental health professional appointed by the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or

remote;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(27) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted

by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional, chemical dependency professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(41) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(42) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

by the American board of psychiatry and neurology;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a

treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 15.** RCW 71.05.210 and 2016 sp.s. c 29 s 224 and 2016 c 155 s 2 are each reenacted and amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ((and a mental health professional)), physician assistant, or advanced registered nurse professional; and

(ii) One ((physician assistant and a) mental health professional(; or

(iii) One advanced registered nurse practitioner and a mental health)) or chemical dependency professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ((facility)) program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure

that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

(4) A person detained, accepted, or admitted to an evaluation and treatment facility must be evaluated by a mental health professional. A person detained, accepted, or admitted to a secure detox facility or approved substance use disorder treatment facility must be evaluated by a chemical dependency professional.

**Sec. 16.** RCW 71.05.210 and 2016 sp.s. c 29 s 225 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ((and a mental health professional)), physician assistant, or advanced registered nurse professional; and

(ii) One ((physician assistant and a) mental health professional(; or

(iii) One advanced registered nurse practitioner and a mental health)) or chemical dependency professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ((facility)) program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

(4) A person detained, accepted, or admitted to an evaluation and treatment facility must be evaluated by a mental health professional. A person detained, accepted, or admitted to a secure detox facility or approved substance use disorder treatment facility must be evaluated by a chemical dependency professional.

**Sec. 17.** RCW 71.05.230 and 2016 sp.s. c 29 s 230, 2016 c 155 s 5, and 2016 c 45 s 1 are each reenacted and amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed ((either)) by:

(a) ((Two physicians)) One physician, physician assistant, or advanced registered nurse practitioner; and

(b) One physician ((and a)), physician assistant, advanced registered nurse practitioner, mental health professional(;

(c) One physician assistant and a mental health professional; or

(d) One psychiatric advanced registered nurse practitioner and a mental health professional)), or chemical dependency professional. The persons signing the petition must have examined the person. If the person is detained for the purpose of mental health treatment, the person must be examined by a mental health professional. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained or committed person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and



FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

**Part Five - Technical**

NEW SECTION. **Sec. 18.** Section 13 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 19.** Sections 8, 11, and 13 of this act expire April 1, 2018.

NEW SECTION. **Sec. 20.** Sections 9, 12, 14, 15, and 17 of this act take effect April 1, 2018.

NEW SECTION. **Sec. 21.** Sections 9 and 15 of this act expire July 1, 2026.

NEW SECTION. **Sec. 22.** Sections 10 and 16 of this act take effect July 1, 2026."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.201, 71.05.203, 71.05.203, 71.05.590, 71.05.590, 71.05.590, 71.05.154, 71.05.154, 70.96A.140, and 71.05.210; reenacting and amending RCW 71.05.201, 71.05.020, 71.05.210, and 71.05.230; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency."

Senator O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 9 by Senators Darneille and O'Ban to Substitute Senate Bill No. 5106.

The motion by Senator O'Ban carried and floor striking amendment no. 9 was adopted by voice vote.

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5106.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh,

Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**STATEMENT FOR THE JOURNAL**

February 23, 2017

It was my intention to vote against Senate Bill No. 5106. I inadvertently voted in favor of the measure while attending to other business on the floor. SB 5106 makes technical corrections to Engrossed Substitute House Bill No. 1713; Chapter 29, Laws of 2016 which I had voted against.

\s\Senator Bob Hasegawa, 11th Legislative District

**SECOND READING**

SENATE BILL NO. 5306, by Senators Rolfes and Takko

Concerning secondary commercial fish receivers.

The measure was read the second time.

**MOTION**

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Nelson and Rolfes spoke in favor of passage of the bill.

Senators Liias and Pearson spoke on the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5306.

**ROLL CALL**

The Secretary called the roll on the final passage of Senate Bill No. 5306 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced students from Oak View Elementary School, Centralia who were seated in the gallery.

**SECOND READING**

SENATE BILL NO. 5445, by Senators Padden, O'Ban, Sheldon, Chase and Fortunato

Prohibiting the use of eminent domain for economic development.

The measure was read the second time.

#### MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5445.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5081, by Senators Pedersen and Miloscia

Adopting the revised uniform law on notarial acts.

#### MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5081 was substituted for Senate Bill No. 5081 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5081.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5081 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs,

Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5152, by Senators Fain, Keiser, Rivers, Becker, Palumbo and Kuderer

Concerning pediatric transitional care centers. Revised for 1st Substitute: Concerning pediatric transitional care services.

#### MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5152.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5374, by Senators Becker, Bailey, Rivers, Brown, Miloscia, O'Ban, Warnick, Angel, Honeyford, Padden and Braun

Concerning state employee whistleblower protection.

#### MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5374 was substituted for Senate Bill No. 5374 and the substitute bill was placed on the second reading and read the second time.

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Pedersen and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5374.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:13 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Friday, February 24, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

1194-S	Second Reading .....	27
Introduction & 1st Reading.....	7	
Messages .....	6	
1843-S	Second Reading .....	27
Introduction & 1st Reading.....	7	
Messages .....	6	
2106-S	Committee Report.....	2
Introduction & 1st Reading.....	7	
Messages .....	6	
Other Action.....	7	
5037	Second Reading .....	13
Second Reading .....	11	
Third Reading Final Passage .....	12	
5065	Third Reading Final Passage .....	12
Committee Report.....	1	
5081-S	Committee Report.....	3
Second Reading .....	26	
Third Reading Final Passage .....	27	
5106-S	Second Reading .....	8
Second Reading .....	14	
Third Reading Final Passage .....	26	
5125	Third Reading Final Passage .....	26
Second Reading .....	13	
Third Reading Final Passage .....	13	
5152-S	Committee Report.....	4
Second Reading .....	27	
Third Reading Final Passage .....	27	
5177	Second Reading .....	12
Second Reading .....	11	
Third Reading Final Passage .....	11	
5247	Third Reading Final Passage .....	12
Committee Report.....	1	
5268	Committee Report.....	4
Second Reading .....	13	
Third Reading Final Passage .....	13	
5289	Committee Report.....	5
Committee Report.....	1, 2	
5301-S	Committee Report.....	5
Second Reading .....	12	
Third Reading Final Passage .....	13	
5306	Committee Report.....	5
Second Reading .....	26	
Third Reading Final Passage .....	26	
5343	Committee Report.....	6
Committee Report.....	2	
5345	Committee Report.....	6
Committee Report.....	2	
5374-S	Committee Report.....	6
Second Reading .....	27	
Third Reading Final Passage .....	27	
5392	Committee Report.....	2
Committee Report.....	2	
5403	Committee Report.....	3
Committee Report.....	2, 3	
5436	Second Reading .....	13
Second Reading .....	13	
Third Reading Final Passage .....	13	
5445	Second Reading .....	26
Second Reading .....	26	
Third Reading Final Passage .....	26	
5465	Committee Report.....	3
Committee Report.....	3	
5488	Second Reading .....	8
Second Reading .....	8	
Third Reading Final Passage .....	8	
5533	Committee Report.....	3
Committee Report.....	3	
5536	Committee Report.....	3
Committee Report.....	3	
5545	Committee Report.....	4
Committee Report.....	4	
5550	Committee Report.....	4
Committee Report.....	4	
5552-S	Second Reading .....	12
Second Reading .....	12	
Third Reading Final Passage .....	12	
5558	Committee Report.....	4
Committee Report.....	4	
5577	Committee Report.....	4, 5
Committee Report.....	4, 5	
5620	Committee Report.....	5
Committee Report.....	5	
5741	Committee Report.....	5
Committee Report.....	5	
5764-S	Second Reading .....	10
Second Reading .....	10	
Third Reading Final Passage .....	10	
5785	Committee Report.....	5
Committee Report.....	5	
5806	Committee Report.....	5, 6
Committee Report.....	5, 6	
5807	Committee Report.....	6
Committee Report.....	6	
5827	Committee Report.....	6
Committee Report.....	6	
5851	Committee Report.....	6

Introduction & 1st Reading..... 6  
 5852  
 Introduction & 1st Reading..... 7  
 8208  
 Introduction & 1st Reading..... 7  
 8617  
 Adopted..... 8  
 Introduced ..... 7  
 8622  
 Adopted..... 8  
 Introduced ..... 8  
**CHAPLAIN OF THE DAY**  
 Joban, Imam Mohamad, Muslim Association  
 of Puget Sound, Redmond ..... 1  
**PAGES**  
 Horn, Miss Nina..... 1  
 Oniskey, Mr. Owen..... 1  
 Wiley, Miss Tessa..... 1  
**PRESIDENT OF THE SENATE**  
 Remarks by the President..... 9, 10, 11

**PRESIDENT OF THE SENATE, GUESTS**  
 Downing, Judge William and family ..... 8  
 Woods, Mr. Rufus..... 8  
**WASHINGTON STATE SENATE**  
 Personal Privilege, Senator Bailey..... 9  
 Personal Privilege, Senator Becker..... 9, 11  
 Personal Privilege, Senator Billig ..... 9  
 Personal Privilege, Senator Conway..... 10  
 Personal Privilege, Senator Darneille ..... 11  
 Personal Privilege, Senator Fain ..... 9  
 Personal Privilege, Senator Fortunato..... 10  
 Personal Privilege, Senator Hunt ..... 10  
 Personal Privilege, Senator King ..... 11  
 Personal Privilege, Senator Liias ..... 11  
 Personal Privilege, Senator Mullet ..... 10  
 Personal Privilege, Senator Pedersen..... 9  
 Personal Privilege, Senator Ranker..... 9, 11  
 Personal Privilege, Senator Wellman ..... 10  
 Personal Privilege, Senator Zeiger..... 9

